

Do you rent, or are you thinking of renting, from a private landlord?

What is the law?

If you start renting a property now, the rent is less than £25,000 per year and you do not live in the same house as the landlord, the tenancy will automatically be an assured shorthold tenancy (unless your landlord agrees otherwise in writing).

It is up to you to agree the length of the tenancy with the landlord. It can last for a set period (known as a fixed term) or be left open-ended.

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When can I be asked to leave?

The landlord can ask you to leave at any time after 6 months, provided any fixed term you agreed has ended. He or she must give you 2 months notice in writing that he or she wants you to leave.

The landlord can apply to the court to end the tenancy at any time on certain grounds (i.e. reasons) for possession set out in legislation. These include rent arrears your landlord can apply to evict you if you owe at least 2 months or 8 weeks rent; and anti-social behaviour your landlord can evict you if you are being a nuisance to local people.

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Do I have to leave?

You should leave at the end of the notice period. However, the landlord cannot force you to leave, but may apply to a Court for a possession order. If you do not leave by the date set by the order, the landlord may apply to the Court for a warrant for eviction. The Court will then appoint bailiffs to evict you.

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Am I entitled to a written tenancy agreement?

If your landlord has not given you a written agreement, you can ask him or her to give you a written statement setting out:

- the date the tenancy began;
- the rent and when it is payable;
- any rent review arrangements;
- the length of any fixed term.

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Can I get help with the rent?

If you are claiming other benefits or your income is low, you may be able to get help through housing benefit. You should apply to your local authority to see if you are eligible and, if so, how much you can claim.

You can apply to your local authority to find out how much rent would be covered by housing benefit before you agree to take a tenancy.

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What happens if I get into rent arrears?

The landlord can give you notice that he or she will seek possession through the court if you are behind with rent. If you owe at least 8 weeks (if you pay rent weekly) or 2 months (if you pay monthly) rent, at the time notice is served and at the time of the court hearing, the judge must give the landlord a possession order.

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What if my housing benefit is delayed?

Contact the local authority official dealing with your claim immediately and explain that your landlord is trying to evict you because you are behind with your rent.

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What can I do if I think the rent is too high?

If you think you are being charged more than other tenants for similar properties, you can ask a rent assessment committee to decide what the rent should be. Contact your nearest rent assessment panel for details. You must apply within 6 months of the start of the tenancy.

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As a tenant what am I responsible for?

- Paying the rent as agreed and taking proper care of the property.
- Bills for gas electricity, telephone etc. if you agreed this with the landlord.
- In most cases, paying the council tax and water and sewerage charges.

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What is the landlord responsible for?

- Repairs to the structure and exterior of the property, heating and hot water installations, basins, sinks, baths and other sanitary installations.
- The safety of gas and electrical appliances.
- The fire safety of furniture and furnishings provided under the tenancy.

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What can I do if my landlord tries to evict me illegally or is harassing me?

- Your landlord cannot evict you without a possession order from the court.
- Nor can he or she, or someone on his or her behalf, try to drive you out of your home or stop you using part of it if you have a legal right to live there.
- If you are having problems, you should contact your local authority's tenancy relations officer.

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My tenancy began before 28 February 1997. What is my position?

- Most tenancies which began before February 1997 will be either assured shorthold tenancies, or assured tenancies.
- Your tenancy would automatically have been an assured tenancy, unless your landlord served a special notice on you saying that it was to be assured shorthold.
- If the original tenancy has come to an end and the landlord has renewed it, the replacement tenancy will automatically be the same type as the original one.
- Even if you do not have a written tenancy agreement, you do not have a right to a written statement of terms from the landlord.
- Tenancies which started before 15 January 1989 are subject to different legislation.

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Where can I get more information?

A more detailed ODPM booklet, *Assured and Assured Shorthold Tenancies A Guide for Tenants* is available on this website and free of charge.

If you live in the same building as your landlord, you should read *Renting Rooms in Someone's Home, A Guide for People Renting from Resident Landlords*.

Information on how and where you can obtain these booklets and other publications produced by the Office of the Deputy Prime Minister is available from the ODPM publications home page

Or from

The Welsh Assembly Government
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Tel: 029 2082 3761
Fax: 029 2082 5391

You can also get advice from a solicitor, Law Centre, Citizens Advice Bureau or local authority Housing Advice Centre.

You can get advice on contacting accredited letting agents from:

The National Approved Letting Scheme
Warwick Corner
42 Warwick Road
Kenilworth
CV8 1HE
Tel: 01926 866633
<http://www.nalscheme.co.uk>

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